

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON(s)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**WALTINE NAUTA and
CARLOS DE OLIVEIRA,**

Defendants.

**GOVERNMENT’S NOTICE IN RESPONSE TO DEFENDANT’S EMERGENCY
MOTION**

Defendants Waltine Nauta and Carlos De Oliveira have filed an Emergency Motion to Preclude the Government from Issuing a Purported Special Counsel Report Contravening This Court’s Dismissal Order and Prejudicing Defendants’ Pretrial Rights. ECF No. 679 (Motion). The Government files this notice to apprise the Court of the following.

The Special Counsel’s Office is working to finalize a two-volume confidential report to the Attorney General explaining the Special Counsel’s prosecution decisions. *See* 28 C.F.R. § 600.8(c). The Attorney General will decide whether any portion of the report should be released to the public. *See* 28 C.F.R. § 600.9(c). One volume of the report pertains to this case. The Attorney General has not yet determined how to handle the report volume pertaining to this case, about which the parties were conferring at the time the defendants filed the Motion, but the Department can commit that the Attorney General will not release that volume to the public, if he does at all, before Friday, January 10, 2025, at 10:00 a.m. The Special Counsel will not transmit

that volume to the Attorney General before 1:00 p.m. on January 7, 2025. The Government will file a response to the defendants' Motion no later than January 7, 2025, at 7:00 p.m.

Respectfully submitted,

JACK SMITH
Special Counsel
N.Y. Bar No. 2678084

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

By: /s/ James I. Pearce
James I. Pearce
Assistant Special Counsel
Special Bar ID #A5503077

January 7, 2025

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which in turn serves counsel of record via transmission of Notices of Electronic Filing.

/s/ James I. Pearce
James I. Pearce